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OFFICE OF PETITIONS

In re Patent No. 7,119,160	:
Sai Kodama et al.	:
Issue Date: October 10, 2006	: DECISION ON APPLICATION FOR
Application No. 10/506,891	: PATENT TERM ADJUSTMENT
Filed: September 27, 2004	: AND
Attorney Docket No. 00005.001244	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION
	:

This is a decision on the "PETITION FOR PATENT TERM ADJUSTMENT" filed December 8, 2006. Patentees request that the patent term adjustment indicated in the patent be corrected from thirty-seven (37) days to sixty-four (64) days.

The petition for patent term adjustment is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of sixty-four (64) days.

On October 10, 2006, the above-identified application matured into U.S. Patent No. 7,119,160, with a revised patent term adjustment of 37 days. On December 8, 2006, patentees timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 64 days. Patentees dispute the reduction of 27 days associated with the filing on June 14, 2006, of an Information Disclosure Statement after the mailing of the notice of allowance. Patentees assert that the paper filed on that date was a request for acknowledgment of an IDS filed September 24, 2004 and that no reduction is warranted.

Patentees' arguments and evidence have been considered, and found persuasive. A review of the record reveals that the 27 day reduction is associated with the filing on June 14, 2006 of a 1449 for the purpose of requesting an initialed IDS for an IDS filed prior to the mailing of the notice of allowance. Under the circumstances the filing on June 14, 2006 of the 1449 should not be considered "a failure to engage in reasonable efforts" to conclude processing or examination of an application and should not result

in reduction of the patent term adjustment pursuant to 37 CFR 1.704(c)(10). The Notice of Allowance, the first Office communication after the filing of the IDS, did not reference this IDS. The Communication filed June 14, 2006, requesting the IDS be initialed was the first opportunity by applicants to address the matter. Thus, the reduction of 27 days associated with the filing of this paper is not warranted.

In view thereof, the patent should have issued with a patent term adjustment of 64 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by SIXTY FOUR (**64**) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", written over a printed name and title.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,119,160 B2

DATED : October 10, 2006

INVENTOR(S): Sai Kodama

DRAFT

It is certified that error appears in the above -identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (37) days

Delete the phrase "by 37 days" and insert – by 64 days--